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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,595	10/05/2000	Paul Haeberli	11087-017001	2363

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EXAMINER
YANG, RYAN R

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/684,595	Applicant(s) HAEBERLI, PAUL	
	Examiner Ryan R Yang	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-21 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1-21 are pending in this application. Claims 1, 12, 16 and 17 are independent claims. This action is non-final.

2. The present title of the invention is "Previewing a framed image print".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Oberg (US 5,870,771).

As per claim 1, Oberg discloses a method of generating a frame prototype image showing a picture image framed within a ftame, the method comprising:

providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame (Figure 3 62); and

mapping the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 64 "a computer display monitor 60 is

shown with frame moulding 62 and matting material 64 superimposed on an input image 66", column 7, line 34-36).

5. As per claim 2, Oberg demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses identifying a picture portion of the frame image (Figure 3 66).

6. As per claim 3, Oberg demonstrated all the elements as applied to the rejected dependent claim 2, supra, and further discloses identifying the picture portion of the frame image includes providing a mat identifying the picture portion of the frame image (Figure 3 64).

7. As per claim 4, Oberg demonstrated all the elements as applied to the rejected dependent claim 3, supra, and further discloses the mat includes a plurality of pixels, each pixel having a pixel value (since the display device is a computer display, it is inherent that the image is represented by a plurality of pixels).

8. As per claim 5, Oberg demonstrated all the elements as applied to the rejected dependent claim 4, supra, and further discloses wherein identifying the picture portion of the frame image includes setting each pixel in the mat that corresponds to the picture portion of the frame image to a first pixel value ("The software associated with the present invention also allows the customer to adjust sizes and colors of the frame and matting material at 54", column 6, line 63-65).

9. As per claim 6, Oberg demonstrated all the elements as applied to the rejected dependent claim 2, supra, and further discloses wherein identifying the picture portion of the frame image includes identifying the outer perimeter of the picture portion of the

frame image ("The widths of the matting along any size of the artwork is variable and selectable", column 6, line 43-44).

10. As per claim 7, Oberg demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses wherein the picture portion of the frame image has a quadrilateral shape and the method further includes identifying the picture portion of the frame image including identifying the four comers of the picture portion ("The opening or openings can have any geometry shape such as rectangle, triangle, square, circle, and oval", column 6, line 40-41).

11. As per claim 8, Oberg demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses displaying the frame prototype image (Figure 3 62).

12. As per claim 9, Oberg demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses wherein mapping the picture image to the picture portion of the frame image includes texture mapping the picture image to the picture portion of the frame image ("a data file may be used to provide input to the software programs and may contain information such as ... required by the software to generate output", column 5, line 40-46. Since the image is pre-stored, it is inherent that they are texture mapped).

13. As per claim 10, Oberg demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses wherein the mapping the picture image to the picture portion of the frame image includes mapping the picture image to

the picture portion of the frame image using the illumination of the picture portion of the frame image.

14. As per claim 11, Oberg demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses the frame image is captured using a digital camera (Figure 3 70).

15. As per claim 12, Oberg discloses a computer program product tangibly embodied in a computer-readable medium, for generating a frame prototype image showing a picture image framed within a frame, comprising instructions operable to cause a computer to:

receive the picture image (Figure 3 72);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 3 72); and

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 66).

16. As per claim 13, Oberg demonstrated all the elements as applied to the rejected independent claim 12, supra, and further discloses instructions operable to cause the computer to generate the map (Figure 2A 34).

17. As per claim 14, Oberg demonstrated all the elements as applied to the rejected dependent claim 13, supra, and further discloses instructions operable to cause the computer to generate the map by identifying the picture portion of the frame image (Figure 3 66).

18. As per claim 15, Oberg demonstrated all the elements as applied to the rejected dependent claim 12, supra, and further discloses instructions operable to cause the computer to identify the picture portion of the frame image by identifying the outer perimeter of the picture portion of the frame image ("The widths of the matting along any size of the artwork is variable and selectable", column 6, line 43-44).

19. As per claim 16, Oberg discloses a system for generating a frame prototype image showing a picture image framed within a frame, the system comprising:

a client computer in communication with a computer network (Figure 3 70);

a server, in communication with a computer network, having server software embodied in a computer-readable medium, the server software comprising instructions operable to cause the server to:

receive the picture image from the client computer (Figure 3 72);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 3 72); and

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 2A 34);

wherein the client computer includes client software embodied in a computer readable medium, the client software comprising instructions operable to cause the client computer to upload the picture image to the server ("a customer can input a digital image of an object to be framed to the system through a digital camera 32", column 5, line 64-66. Thus, it is inherent that the digital camera has the desired software to upload the picture image to the server).

20. As per claim 17, Oberg discloses a method of generating a visual representation of an image based product, the method comprising:

providing an image to be included in the image based product (Figure 3);

providing a perspective image showing the image based product in a perspective view, the perspective image having a picture portion corresponding to the portion of the image based product used to view a picture mounted on the image based product (Figure 3 66); and

mapping the image to the picture portion of the perspective image in order to generate the perspective prototype image ("an input image 66 that was supplied by the user by taking a snapshot of the artwork 68", column 7, line 36-37).

21. As per claim 18, Oberg demonstrated all the elements as applied to the rejected independent claim 17, supra, and further discloses the image based product is a framed picture (Figure 3).

22. As per claim 19, Oberg demonstrated all the elements as applied to the rejected independent claim 17, supra, and further discloses the image based product is a Photocard (since the image is a photo image).

23. As per claim 20, Oberg demonstrated all the elements as applied to the rejected independent claim 17, supra, and further discloses the image based product is a photo greeting card (since Oberg suggests applications in postcards, column 2, line 18).

24. As per claim 21, Oberg demonstrated all the elements as applied to the rejected dependent claim 20, supra, and further discloses the method includes displaying the

perspective image in an environment that provides a context for viewing the image based product (Figure 3).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ryan Yang
December 8, 2002

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600